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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,940	03/23/2001	Alfred Hermann	20005778US.1	6950

7590 07/02/2004

HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
POST OFFICE BOX 272400
FORT COLLINS, CO 80527-2400

EXAMINER

HUTTON JR, WILLIAM D

ART UNIT PAPER NUMBER

2178

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/816,940

Applicant(s)

HERMANN ET AL.

Examiner

Doug Hutton

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01042002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stone, Brad et al., UNIX Fault Management: A Guide for System Administration, Chapter 3 – “Using Monitoring Frameworks,” Chapter 4 – “Monitoring the System,” Chapter 5 – “Monitoring the Disks,” Chapter 6 – “Monitoring the Network” and Chapter 9 – “Enterprise Management” (Prentice Hall PTR, 1999).

Claim 1:

Stone discloses a method for monitoring services of an information technology (IT) environment, said method comprising evaluating, by a status engine, the status of a service (superordinate service) that depends on at least one of the statuses of one or more other services (subordinate services) and one or more messages coming from services of the IT environment and affecting the status of the superordinate service, according to one or more rules (see Chapter 3, Pages 1-12; see Chapter 9, Pages 1-14 – the HP OpenView IT/Operations enterprise management product - hereinafter, HP - evaluates both the statuses of superordinate services that depend on the statuses of subordinate services and any messages coming from services in the IT environment

that affect the superordinate services according to rules; also, the Seagate NerveCenter enterprise management product - hereinafter, Seagate - is usable with HP and provides network event correlation through user-defined rules; also, the IT Masters MasterCell enterprise management product - hereinafter, MasterCell - is usable with HP and provides network event correlation through user-defined rules), the rules include at least one of:

- a rule that is based on additional attributes of the service other than the status (HP includes rules that are based on “additional attributes of the service other than the status” in that it filters out redundant events before forwarding them to the management station and it forwards events to the management station only after a user-defined threshold is met; MasterCell includes rules that are based on “additional attributes of the service other than the status” in that it regulates events by holding repetitive occurrences of events until a threshold is met);
- a rule that ignores subordinate services (HP includes rules that “ignore subordinate services” in that it can be configured to filter out information that is unnecessary in order to identify the root cause of a problem and correct said problem);
- a rule that is defined by a user on the basis of at least one of i) logical and ii) arithmetical operations of the status of subordinate services or of said messages or of said attributes (HP includes rules that are “defined by logical and arithmetical operations of the status of subordinate services or of said messages or of said attributes” in that it reduces event storms by suppressing repeated

events using a time-based filter; HP also allows users to create their own monitor scripts, which includes both "logical" and "arithmetical" operations of the status of subordinate services or of said messages or of said attributes); and

- a rule that is programmed individually by a user (HP allows users to create their own monitor scripts; Seagate allows the user to define the rules via a GUI).

Claim 2:

Stone discloses the method of Claim 1, wherein the rules, when the status of the superordinate service is calculated, comprise status propagation rules that have as input only one parameter, namely the status of one subordinate service (HP includes "status propagation rules" that are based solely on the status of the monitored service), and status calculation rules that have as input one or more parameters, chosen from the group of: the status of subordinate services, messages, and attributes (HP includes "status calculation rules" in that it includes filters that are based on status severity of subordinate services, the particular types of messages and other factors such as various attributes of the originating system).

Claim 3:

Stone discloses the method of Claim 1, wherein the evaluation of the status of the superordinate service depends on all three different types of input data: the status of subordinate services, the messages affecting the superordinate service and the

additional attributes of the services (as explained in the above rejection for Claim 2, Stone discloses these limitations).

Claim 4:

Stone discloses the method of Claim 1, wherein the additional attributes can take values that are different from the possible values of the status of the services (the "additional attributes" can take values that are "different from the possible values of the status of the services" in that the "additional attribute" values comprise numeric values that affect the forwarding of events only after a user-defined threshold is met and the "status" values comprise the severity of the detected problem, such as "minor warning" and "critical").

Claim 5:

Stone discloses the method of Claim 1, wherein the status of the superordinate service is only calculated if certain attributes of the superordinate service are set (as explained in the above rejection for Claim 1, HP discloses a rule that is "based on additional attributes of a service;" thus, "certain attributes" of the superordinate service are "set" and the status of the superordinate service is calculated).

Claim 6:

Stone discloses the method of Claim 1, wherein specific subordinate services are individually treated for the evaluation of the superordinate service (HP includes tools

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that allow the user to customize monitoring rules to address each subordinate service individually).

Claim 7:

Stone discloses the method of Claim 1, wherein user-specific external data is included in the rules (HP includes "user-specific external data in the rules" in that it allows the user to customize monitoring rules to address numerous different network components).

Claim 8:

Stone discloses the method of Claim 1, wherein time of the day information is included in the rules (HP includes "time of the day information" in the rules in that it allows the user to customize monitoring rules to enable events to be forwarded to the appropriate management station in a global environment based on the time of day).

Claim 9:

Stone discloses a computer system for monitoring services of an information technology (IT) environment, comprising:

- a status engine for evaluating the status of the services, said status engine is programmed so as to calculate the status of a service (superordinate service) that depends on at least one of the statuses of one or more other services (subordinate services) and one or more messages coming from services of the IT

environment and affecting the status of the superordinate service, according to one or more rules (as indicated in the above rejection for Claim 1, Stone discloses these limitations), the rules include at least one of:

- a rule that is based on additional attributes of the service other than the status;
 - a rule that ignores subordinate services;
 - a rule that is defined by a user on the basis of at least one of i) logical and ii) arithmetical operations of the status of subordinate services or of said messages or of said attributes; and
 - a rule that is programmed individually by a user (as indicated in the above rejection for Claim 1, Stone discloses each of these rules);
- a user interface for configuring the rules (HP includes a “user interface for configuring the rules” in that it comprises an interface used to define monitoring conditions); and
 - a graphical display for visualizing the monitoring results (HP includes a “graphical display for visualizing the monitoring results” in that it comprises an interface for monitoring the components of the system).

Claim 10:

Stone discloses the computer system of Claim 9, wherein the interface for configuring the rules is a graphical user interface (HP includes a “graphical user

interface for configuring the rules" in that it comprises an interface used to define monitoring conditions).

Claim 11:

Stone discloses the computer system of Claim 9, wherein the interface for configuring the rules is an application programming interface to other programming languages (HP includes APIs for configuring monitoring conditions).

Claim 12:

Stone discloses the computer system of Claim 9, wherein the interface for configuring the rules is a script programming language of which the syntax is provided by the status engine (HP includes a "script programming language of which the syntax is provided by the status engine" in that it comprises allows the user to customize rules that are managed by an "Edit Adviser Syntax" option).

Claim 13:

Stone discloses the computer system of Claim 9, wherein the status engine is capable of handling a graph structure of the IT network of services in which each service can have one or more depending services and one or more services on which it depends (HP is capable of handling a "graph structure of the IT network of services" in that it allows the user to customize monitoring rules for any of the components of the network).

Claim 14:

Stone discloses the computer system of Claim 9, wherein the dependencies between the services of the IT environment are visualized as a graphical representation (HP includes a "graphical representation" of the dependencies between the services in that it includes a hierarchical display of the components of the network).

Claim 15:

Stone discloses the computer system of Claim 14, wherein the status and status changes of the services of the IT environment are visualized in a graphical representation (HP includes a "graphical representation of e status and status changes of the services" in that it comprises graphical status monitors).

Claim 16:

This claim recites computer software for performing the method of Claim 1. Thus, Stone discloses every limitation of Claim 16 using the same rationale indicated in the above rejection for Claim 1.

Claims 17-20:

These claims recite limitations that were also recited in Claims 9-12, respectively. Thus, Stone discloses every limitation of Claims 17-20 using the same rationale indicated in the above rejections for Claims 9-12.

Conclusion

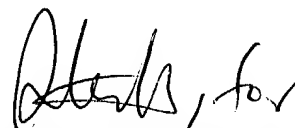
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Du et al., U.S. Patent No. 6,748,432; Sistanizadeh et al., U.S. Patent No. 6,681,232; Turek et al., U.S. Patent No. 6,460,070; Chin et al., U.S. Patent No. 6,456,306; and Drake et al., U.S. Patent No. 6,347,374.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Doug Hutton whose telephone number is (703) 305-1701. The examiner can normally be reached on Monday-Friday from 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

WDH
June 17, 2004


HEATHER HERNDON
SUPERVISORY PATENT EXAMINER
TECH CENTER 2100